

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

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In re:

AMENDMENT OF SECTION 73.606(b)  
TABLE OF ALLOTMENTS  
TV BROADCAST STATIONS  
COALINGA, CALIFORNIA

MM Docket No.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

TO: Chief, Allocations Branch  
Policy and Rules Division

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PETITION FOR RULEMAKING

Western Educational Alliance ("WEA"), by its attorneys and pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.606(b) of its Rules to substitute reserved NTSC Channel \*62 in lieu of vacant reserved NTSC Channel \*27- at Coalinga, California. This substitution of reserved NTSC channels would serve the public interest by preserving an educational channel at Coalinga that is compatible with the Commission's proposed DTV Table of Allotments and thereby makes possible a first local source of noncommercial educational programming to the area.

WEA proposes the following amendment to Section 73.606(b) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Coalinga, CA	*27-	*62

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In support of this petition, WEA submits the following:

A. The Proposed Changes to the Table of TV Allotments Will Serve the Public Interest

The proposed changes to the Table of TV Allotments will serve the public interest and result in a preferential arrangement of allotments.

The proposed substitution will allow activation of a new station in circumstances where, because the existing vacant reserved allotment (Channel \*27-) has likely been rendered unusable by the Commission's proposed DTV Table of Allotments, the station could not otherwise be licensed. In August of 1996, the Commission released the *Sixth Further Notice of Proposed Rule Making* in MM Docket No. 87-268 (the "*Sixth Further Notice*"), which included a draft table of digital television ("DTV") allotments for existing TV stations and an extensive discussion of allocation policies and procedures.<sup>1/</sup> Under the Table of DTV Allotments proposed by the FCC in the *Sixth Further Notice*, Channel \*27- is no longer usable as an NTSC channel given the proximity of proposed DTV Channel 27 at Visalia, California and other DTV channels proposed for use in the area.

In view of its interest in providing additional educational TV service to the Coalinga area, WEA performed a study of NTSC channels in the Coalinga area that could be utilized

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<sup>1/</sup> The *Sixth Further Notice* provided parties 30 days to file new NTSC applications for vacant allotments. WEA is filing an application for a new noncommercial educational TV Station on Channel \*62, Coalinga, California, in conjunction with this Petition for Rulemaking. We ask that the Commission permit the simultaneous Petition for Rulemaking and application -- WEA is filing the Channel \*62 application at this time only to meet the 30-day deadline on new NTSC applications imposed by the *Sixth Further Notice*.

without interference to or from existing NTSC allotments or the proposed DTV allotments.

Channel 62 satisfies these requirements.<sup>2/</sup> Therefore, WEA proposes substitution of Channel \*62 for the Channel \*27- allotment.

The proposed substitution of reserved NTSC channels will also make possible activation of a TV facility that will provide a first local television transmission service and a first noncommercial educational service for Coalinga and its surrounding area. For example, as the attached Engineering Statement demonstrates, 156,390 persons could receive first noncommercial educational service from the proposed facility for this allotment. In WEA's application (filed simultaneously with this Petition), the Grade B contour of the proposed Channel \*62 station will encompass a population of 276,797 persons and an area of 12,686 square kilometers. Much of this service area is not duplicated by any other noncommercial educational TV station. Without the substitution making possible the activation of a new noncommercial station, these Coalinga area residents will be deprived of this educational TV service from a channel long-reserved for their benefit.

B. Channel \*62 at Coalinga, California, Should Continue to Be Reserved for Noncommercial Educational Use.

The proposed change in allotments is consistent with long-standing Commission policy favoring development of noncommercial educational telecommunications services. For example, Commission policy clearly mandates the preservation of educational channels for their intended use. See. e.g., Television Channel Assignments, 60 RR2d 784 (1986). Absent an

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<sup>2/</sup> See attached Engineering Statement.

alternative channel, the Commission has been particularly reluctant to delete or reallocate a reserved channel. Id. Even absent the present or planned use of the reserved channel, the Commission has maintained its reluctance towards channel deletion. Ogden, Utah, 42 Fed. Reg. 40302 (1977). In assigning television channels on a reserved basis, the Commission intended for the channels to serve not only the present needs for noncommercial educational service, but future demands for the service as well. See Mansfield and Marion, Ohio, 48 RR2d 1003 (1980). Commission policy clearly favors the activation of long-vacant channels. See e.g., Montrose and Scranton, Pennsylvania, 68 RR2d 702 (1990).

The purpose of this petition is to substitute a channel, for which WEA intends to apply (and, indeed, has now applied), so that WEA may bring new noncommercial educational service to Coalinga and its surrounding areas. This region is presently unserved by off-the-air public television service from WEA, although the area does receive some cable coverage. Thus, the channel substitution will offer significant new noncommercial educational service to the region and benefit the public interest.

### **CONCLUSION**

For all of these reasons, WEA requests that the Commission institute a rulemaking proceeding to amend Section 73.606(b) of its Rules to substitute Channel \*62 at Coalinga, California, for vacant and unusable Channel \*27- at Coalinga, California, and to continue its reservation for noncommercial educational use.

Respectfully submitted,

WESTERN EDUCATIONAL ALLIANCE

By: Todd D. Gray  
Todd D. Gray  
Margaret L. Miller

Attorneys for Petitioner

**DOW, LOHNES & ALBERTSON, PLLC**  
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September 20, 1996


**WESTERN EDUCATIONAL ALLIANCE**  
**2135 West Rue St. Michel**  
**Fresno, California 93711**

**DECLARATION UNDER PENALTY OF PERJURY**

I, James K. Zahn, President of Western Educational Alliance, hereby declare under penalty of perjury that the foregoing facts set forth in this Petition for Rulemaking to amend Section 73.606(b) of the Commission's Rules are true and correct to the best of my knowledge and belief.

As stated in the Petition, the petitioner is simultaneously filing an application for the channel proposed to be substituted, which should be viewed as evidence of its good faith intention to utilize the proposed channel.

By:

  
\_\_\_\_\_

James K. Zahn

Title: President, Western Educational Alliance

Date:

9/18/96  
\_\_\_\_\_

WESTERN EDUCATIONAL ALLIANCE  
BT (New) - Coalinga, CA

PETITION FOR RULE MAKING  
Engineering Statement

At the request of Western Educational Alliance, we have prepared this engineering statement in support of a Petition for Rule Making which seeks to substitute TV Channel 62 for TV Channel 27 as a Non-Commercial Educational allocation to Coalinga, California. This arises due to the fact that Channel 27 has been proposed as the DTV channel for KMPH, Visalia, California, approximately 145 kilometers distant.

The center coordinates of the city of Coalinga are specified in the Index to the National Atlas of the United States as 36°08'30"N and 120°21'18"W. The attached exhibit demonstrates that the city is fully spaced to all pertinent facilities and allocations.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Mel Freedman', with a long horizontal flourish extending to the right.

Mel Freedman  
Engineer for Western Educational Alliance

12 September 1996

WESTERN EDUCATIONAL ALLIANCE  
BT (New) - Coalinga, CA

PETITION FOR RULE MAKING  
Engineering Statement

At the request of Western Educational Alliance, we have prepared this engineering statement in support of a Petition for Rule Making which seeks to substitute TV Channel \*62 for TV Channel \*27 as a Noncommercial Educational allocation to Coalinga, California, and in support of an accompanying application for a new TV station on Channel \*62 at Coalinga. The petition arises due to the fact that Channel 27 has been proposed as the DTV channel for KMPH, Visalia, California, approximately 145 km distant.

The center coordinates of the city of Coalinga are specified in the Index to the National Atlas of the United States as 36°08'30"N and 120°21'18"W and the attached exhibit demonstrates that the city is fully spaced to all pertinent facilities and allocations. Although the search addresses only NTSC stations, it has been ascertained that the proposed allocation also complies with the DTV standards proposed in Paragraph 98 of the 6th Notice of Rule Making in MM Docket 87-268. Should the Commission determine that a noncommercial educational channel more suitable to its purposes be allocated, the applicant would defer to such judgment and amend its application accordingly.

With regard to the ATV freeze, the city of Coalinga is within the affected distances to Stockton and San Francisco, California, and the proposed transmitter site is within the affected distances to Stockton and Los Angeles, California. In this instance, the Los Angeles area would be amply protected by intervening terrain of the San Rafael range of California's Sierra Nevada, with continuous peaks and ridges in excess of 2,000 meters.



It is submitted that the Stockton shortfall would be more than counter-balanced by the fact that this proposal would provide a first noncommercial educational service to an area (please see attached map) comprising some 7,168 square kilometers with an approximate population (assuming uniform distribution) of 156,390.

Under these circumstances, it is requested that the Commission substitute Channel \*62 for unusable Channel \*27 at Coalinga, California, and that the Commission accept an application for a for a new Noncommercial Educational TV station on Channel \*62 at this time.

Respectfully submitted,



Mel Freedman  
Engineer for Western Educational Alliance

12 September 1996

## TV Spacing Study

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Job title: Coalinga, CA  
Study channel 62 Zone II  
LPTV/TV Translator entries excluded.  
Coordinates: 36-08-30 120-21-18  
Safety Zone: 120 km

The five closest major cities, as defined in Public Notice #20922,  
released December 9, 1991, are as follows:

Market Name	Dist-km	Dist-mi
Stockton, CA	218.0	135.5
San Francisco, CA	257.9	160.2
Sacramento, CA	289.1	179.6
Los Angeles, CA	301.3	187.2
Portland, OR	1059.5	658.4

# TV Spacing Study

TITLE: Coalinga, CA  
Channel 62 Zone II  
Database: FCC 08/19/96

Latitude: 36-08-30  
Longitude: 120-21-18  
Safety zone: 120 km

Call	Auth Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone (kW)	HAMSL	Longitude	-from (km)	(km)	(km)

KJEO	LIC RETLAW ENTERPRISES, I	47 o 2630	597	37-04-14	38.5	132.4	119.9	
FRESNO	CA	II DA	1435	119-25-31	219.1	12.53	CLOSE	

Horizontal polarization; DA: Andrew ODDKJEO @ 0 deg;

KJEO	APP RETLAW ENTERPRISES, I	47 o 5000	597	37-04-14	38.5	132.4	119.9	
FRESNO	CA BPCT-960715KE	II DA	1435	119-25-31	219.1	12.53	CLOSE	

Horizontal polarization; DA: Andrew ODD960715KE @ 0 deg;

KSTS	LIC TELEMUNDO OF NORTHERN	48 - 4370	631	37-29-05	318.5	200.8	95.70	
SAN JOSE	CA BLCT-810511KG	II DA	865	121-51-51	137.6	105.1	CLEAR	

Horizontal polarization; DA: Cetec ODDKSTS @ 0 deg;

KSTS	APP TELEMUNDO OF NORTHERN	48 - 4070	685	37-29-57	318.7	202.4	95.70	
SAN JOSE	CA BPCT-960711LC	II DA	922	121-52-16	137.7	106.7	CLEAR	

Circular polarization; DA: Andrew ODD960711LC @ 0 deg;

KTEH	LIC KTEH-TV FOUNDATION	*54 o 661	585	37-29-07	318.5	201.0	31.40	
SAN JOSE	CA	II DA	814	121-51-57	137.6	169.6	CLEAR	

Horizontal polarization; DA: Harris ODDKTEH @ 0 deg;

ALLOC		*55 +		34-25-18	162.5	199.9	95.70	
SANTA BARBARA	CA	II		119-41-55	342.9	104.2	CLEAR	

Filing window Closing date: ; EFFECTIVE 11-23-87.;

KSTV-TV APP COSTA DE ORO TELEVISI	57 + 5000	530	34-19-51	148.6	234.6	31.40	
VENTURA	CA BMPCT-960711KU	II DA	797	119-01-22	329.4	203.2	CLEAR

Horizontal polarization; DA: Andrew ODD960711KU @ 0 deg;

KQCA	LIC CHANNEL 58, INC.	58 o 5000	559	38-14-24	336.8	254.1	31.40
STOCKTON	CA BLCT-870224KH	II DA	561	121-30-03	156.1	222.7	CLEAR

Horizontal polarization; DA: Dielectric ODD861106KF @ 0 deg;

KMSG-TV LIC SANGER TELECASTERS, I	59 o 1350	591	37-04-26	38.2	132.4	31.40	
SANGER	CA BLCT-850726KG	II DA	1414	119-25-52	218.8	101.0	CLEAR

Horizontal polarization; DA: Andrew ODD850726KG @ 0 deg;

KMSG-TV APP SANGER TELECASTERS, I	59 o 5000	591	37-04-26	38.2	132.4	31.40	
SANGER	CA BPCT-960724KE	II DA	1414	119-25-52	218.8	101.0	CLEAR

Horizontal polarization; DA: Kathrein ODD960724KE @ 0 deg;

KCSM-TV CP SAN MATEO COUNTY COMM	*60 o 3550	362	37-41-07	313.5	252.3	31.40	
SAN MATEO	CA BPET-941007KH	II DA	423	122-26-01	132.3	220.9	CLEAR

Elliptical polarization; DA: Alan Dick Co,Ltd ODD941007KH @ 0 deg;

# TV Spacing Study

TITLE: Coalinga, CA  
Channel 62 Zone II

Latitude: 36-08-30  
Longitude: 120-21-18

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)

KKAG	CP	KRALOWEC CHILDREN'S F	61 o	2510	811	36-17-14	82.8	137.3	87.70
PORTERVILLE	CA	BMPCT-900717KF	II	DA	1769	118-50-17	263.7	49.63	CLEAR

Horizontal polarization; DA: Bogner ODD900717KF @ 0 deg;

KKAG	APP	KRALOWEC CHILDREN'S F	61 o	1550	364	35-38-26	111.0	152.2	87.70
PORTERVILLE	CA	BMPCT-960624KR	II	DA	1173	118-47-06	292.0	64.54	CLEAR

Horizontal polarization; DA: Andrew ODD960624KR @ 0 deg;

KRCA	LIC	FOUCE AMUSEMENT ENTER	62 o	3720	723	34-11-16	131.2	324.8	280.8
RIVERSIDE	CA	BLCT-920427KF	II	DA	1684	117-41-55	312.7	44.03	CLEAR

Circular polarization; DA: Dielectric ODD920427KF @ 0 deg;

ALLOCA			*62 o			38-26-04	321.4	329.4	280.8
SANTA ROSA	CA		II			122-42-54	140.0	48.59	CLEAR

Filing window Closing date: ;

KADY-TV	CP	RIKLIS BROADCASTING C	63 +	1780	549	34-19-51	148.6	234.6	87.70
OXNARD	CA	BPCT-880711KG	II	DA	818	119-01-22	329.4	146.9	CLEAR

Horizontal polarization; DA: Bogner ODD880711KG @ 0 deg;

KFTL	LIC	FAMILY STATIONS, INC.	64 o	1950	874	37-53-35	325.3	238	31.40
STOCKTON	CA	BLCT-910403KE	II		1117	121-53-58	144.4	206.6	CLEAR

Horizontal polarization;

ALLOCA			65 +			35-22-30	124.9	147.5	31.40
BAKERSFIELD	CA		II			119-01-18	305.7	116.1	CLEAR

Filing window Closing date: ;

KPST-TV	CP	CHANNEL 66 OF VALLEJO	66 o	3470	466	37-45-20	314.6	258.7	31.40
VALLEJO	CA	BMPCT-860925KM	II	DA	497	122-27-05	133.3	227.3	CLEAR

Allocated to VALLEJO-FAIRFIELD, CA.;  
; Horizontal polarization; DA: Andrew ODD860925KM @ 0 deg  
;

KSMS-TV	LIC	KSMS-TV, INC.	67 -	1260	701	36-45-23	304.0	123.3	31.40
MONTEREY	CA	BLCT-881025KE	II	DA	994	121-30-05	123.3	91.93	CLEAR

ALLOCATED TO SALINAS-MONTEREY, CA.; Elliptical polarization; DA: Jampro ODD881025KE @ 0 deg;

ALLOCA			67 -			36-40-12	297.2	130.2	31.40
SALINAS-MONTEREY	CA		II			121-39-06	116.5	98.83	CLEAR

Filing window Closing date: ; See MONTEREY, CA.;

KTTY	APP	KTTY INC.	69 o	4470	594	32-41-47	139.7	495.1	95.70
SAN DIEGO	CA	BPCT-960701KH	II	DA	822	116-56-07	321.6	399.4	CLEAR

Elliptical polarization; DA: Dielectric ODD960701KH @ 0 deg;

# TV Spacing Study

TITLE: Coalinga, CA  
Channel 62 Zone II

Latitude: 36-08-30  
Longitude: 120-21-18

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
PRM	DEL		70	o		31-54-00	143.2	581.3	31.40
EL SAUZAL		BJ	II			116-40-01	325.2	549.8	CLEAR
MEXICAN PROPOSAL;									
PRM	DEL		77	o		27-18-00	111.6	2145	119.9
CIUDAD ANAHUAC		NL	II			100-07-30	302.3	2025	CLEAR
MEXICAN PROPOSAL;									

>> End of Channel 62 Study <<

